



May 5, 2004 BZA
July 7, 2004 BZA
August 4, 2004 BZA
September 1, 2004 BZA

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0236
(AMENDED)

Samuel W. Galstan, D.D.S.

Bermuda Magisterial District
12270, 12280 and 12290 Iron Bridge Road

REQUEST: A fifteen (15) foot Variance to the forty (40) foot rear yard setback requirement for a building addition.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variance is not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

Property is known as 12270, 12280 and 12290 Iron Bridge Road. Tax IDs 780-652-4572, 5268 and 5963 (Sheet 26).

Existing Zoning:

C-2

Size:

1.206 acres

Existing Land Use:

Office

Adjacent Zoning and Land Use:

North - C-2; Residential
South - R-7; Residential
East - R-7; Residential
West - C-2; Vacant and residential

Utilities:

Public water and private septic system

General Plan:

(Central Area Land Use and Transportation Plan)

Mixed Use Corridor

DISCUSSION

The applicant is proposing to construct an addition onto the existing building. The addition will be located twenty-five (25) feet from the rear property line. The Zoning Ordinance requires a forty (40) foot rear yard setback; therefore the applicant requests a fifteen (15) foot Variance (see attached plat).

The applicant provides the following justification in support of this request:

A general family dentistry office serving the oral health care need of Chester and the surrounding communities since 1990 is located at 12280 and 12290 Iron Bridge Road, Chester, Virginia. In an effort to better serve our patients and our community, we are proposing an addition to the back of this dental office.

The applicant submitted a second justification to the Planning Department on July 1, 2004:

A unique physical hardship exists which prevents the dental office located at 12290 Iron Bridge Road from being easily expanded to the west, due to the fact that this office contains an extensive plumbing network (that is essential for the operation of a dental office) that is located within the slab floor. The west wall of this office contains treatment rooms for the full extent of the west wall, and these treatment rooms are tied into the plumbing network. Extending the building to the west would be difficult, because it would necessitate sacrificing

the existing plumbing and redoing the plumbing. Additionally, the floor plan of the existing building could not easily be expanded to the west without completely redesigning the building. Extending the building to the rear would allow the existing plumbing to be used as is, would allow the building to be expanded with minimal design and architectural modification, would be the most reasonable and cost effective usage of this property, and would allow the land to be used at the highest and fullest usage.

Additionally, by granting setback relief for 12280 and 12270 Iron Bridge Road, this would allow for the future development of these lots to be in a manner similar and consistent in design and architecture to 12290 Iron Bridge Road, allowing for a more uniform and regular appearance.

The applicant submitted a third justification to the Planning Department on July 26, 2004:

A unique physical hardship exists which prevents the dental office located at 12290 Iron Bridge Road, Chester, Virginia, from being easily expanded to the west, due to the fact that this office contains an extensive plumbing network (that is essential for the operation of a dental office) that is located within the slab floor. The west wall of this office contains treatment rooms for the full extent of the west wall, and these treatment rooms are tied in to the plumbing network. Extending the building to the west would be difficult, because it would necessitate sacrificing the existing plumbing and redoing the plumbing, additionally the floor plan of the existing building could not easily be expanded to the west without completely redesigning the building. Extending the building to the rear would allow the existing plumbing to be used as is, would allow the building to be expanded with minimal design and architectural modification, would be the most reasonable and cost effective usage of this property, and would allow the land to be used at the highest and fullest extent.

A sixteen (16) foot drainage easement exists on Lot 4, to the south of the property. Chesterfield County Department of Environmental Engineering recommends that this drainage easement remain. Within this sixteen (16) foot drainage easement, there is a six (6) foot tall board fence that is currently located on Lot 4, and proposed for Lot 3, located ten (10) feet from the southern property line. This ten (10) foot strip (of the sixteen (16) foot drainage easement) on Lots 3 and 4 is presently heavily landscaped, with Landscaping D. This heavy landscaping will remain.

The drainage plan that is attached to the site plan shows a swale extending from lots 2, 3 and 4, within the six (6) foot portion (of the sixteen (16) foot drainage easement) that is located to the north of the six (6) foot tall fence. This swale would have minimal impact on the existing landscaping, and that landscaping that was displaced would be replanted. The drainage from the back of lots, 2, 3 and 4 will occur through the swale, with the vast majority of the drainage into the ditch to the west of East Booker Boulevard. Most of the drainage on these lots, however, would not occur through the swale but would occur through the parking lot that is presently located on lots 3 and 4, with minimal additional drainage occurring on the back of lots 2 and 3.

By granting setback and buffer relief for 12270 and 12280 Iron Bridge Road, this would allow for the future development to be in a manner similar and consistent in design and architecture to 12290 Iron Bridge Road, allowing for a more uniform and regular appearance.

These properties have been zoned C-2 since November 1972, and are located in the Central Area Land Use Plan, in an area that is targeted by Chesterfield County for development as a mixed use corridor. This usage occurred as an "in-fill" development, a type of development that has been recently encouraged by the Chesterfield County Planning Department. The usage of 12290 Iron Bridge Road as a dental office is one (1) of the lowest impact, most neighborhood friendly usages for this property, and, in my opinion, should be encouraged to continue to operate in this location, and a favorable determination by Chesterfield County Planning Department to: 1) Approve this minor site plan, 2) Grant buffer relief, and 3) Grant setback relief which will be helpful to obtain this end.

On August 17, 2004, the Chesterfield Planning Commission approved, subject to the conditions, the applicant's request for buffer reduction in conjunction with the approval of a minor site plan for a building addition. (see attachment)

In 1994, the applicant was granted site plan approval by the Planning Commission that included a ten (10) foot reduction to the required fifty (50) foot buffer adjacent to residentially zoned property. Combined with the ten (10) foot buffer reduction given in 1994, the proposed buffer would be reduced to twenty-five (25) feet from the required fifty (50) feet if the Planning Commission approves the request.

On October 2, 1996, the Board of Zoning Appeals approved a five (5) foot Variance to the fifty (50) foot front yard setback requirement for parking and drives.

As required by the Zoning Ordinance, the applicant has provided no information which would serve as a basis for granting this Variance. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

Staff believes that this request is an attempt to overdevelop this property. Further, staff believes an alternative exists to this request. The applicant could expand the dentist office onto the two (2) vacant adjacent lots owned by the applicant, thereby eliminating the need for this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following condition:

CONDITION

This Variance shall be for the proposed addition only as depicted in the staff report and shall apply only to Tax ID 780-652-5963.

CASE HISTORY

05/05/04:

The Board deferred this request to their July 7, 2004, meeting to allow the applicant an opportunity to apply with the Planning Commission for a buffer reduction in conjunction with the approval of a minor site plan for a building addition.

06/15/04:

At the request of the applicant, the Planning Commission deferred the request for buffer reduction in conjunction with approval of a minor site plan (04PM0356) for a building addition to their July 20, 2004, meeting.

07/07/04:

The Board deferred this request to their August 4, 2004, meeting to allow the applicant an opportunity to apply with the Planning Commission for a buffer reduction in conjunction with the approval of a minor site plan for a building addition.

07/20/04:

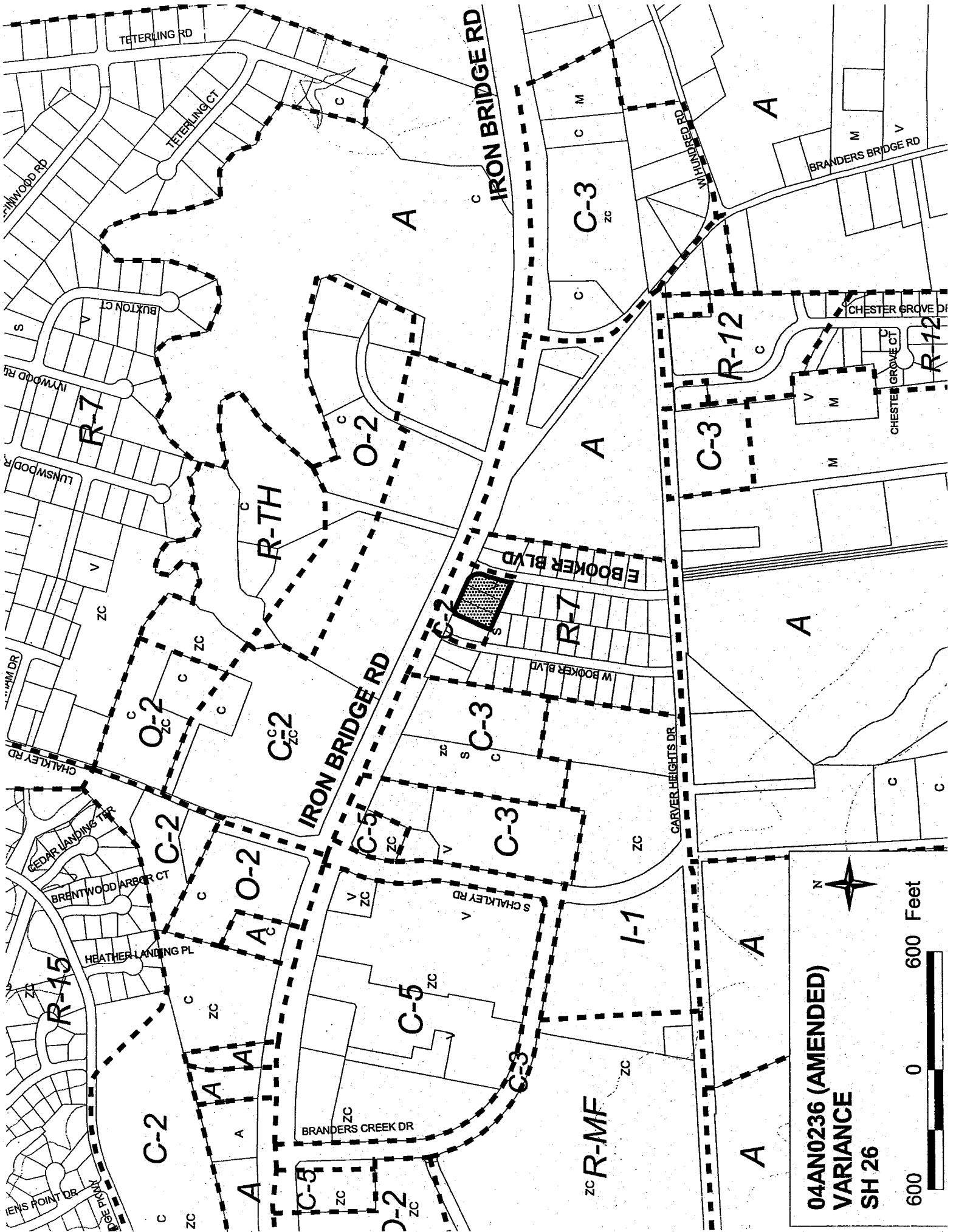
At the request of the applicant, Planning Commission Case 04PM0356 was deferred to their August 17, 2004, meeting.

08/04/04:

The Board deferred this request to their September 1, 2004, meeting to allow the applicant an opportunity to apply with the Planning Commission for a buffer reduction in conjunction with the approval of a minor site plan for a building addition.

08/16/04:

The Planning Commission approved, subject to the conditions, the applicant's request for buffer reduction in conjunction with the approval of a minor site plan for a building addition.

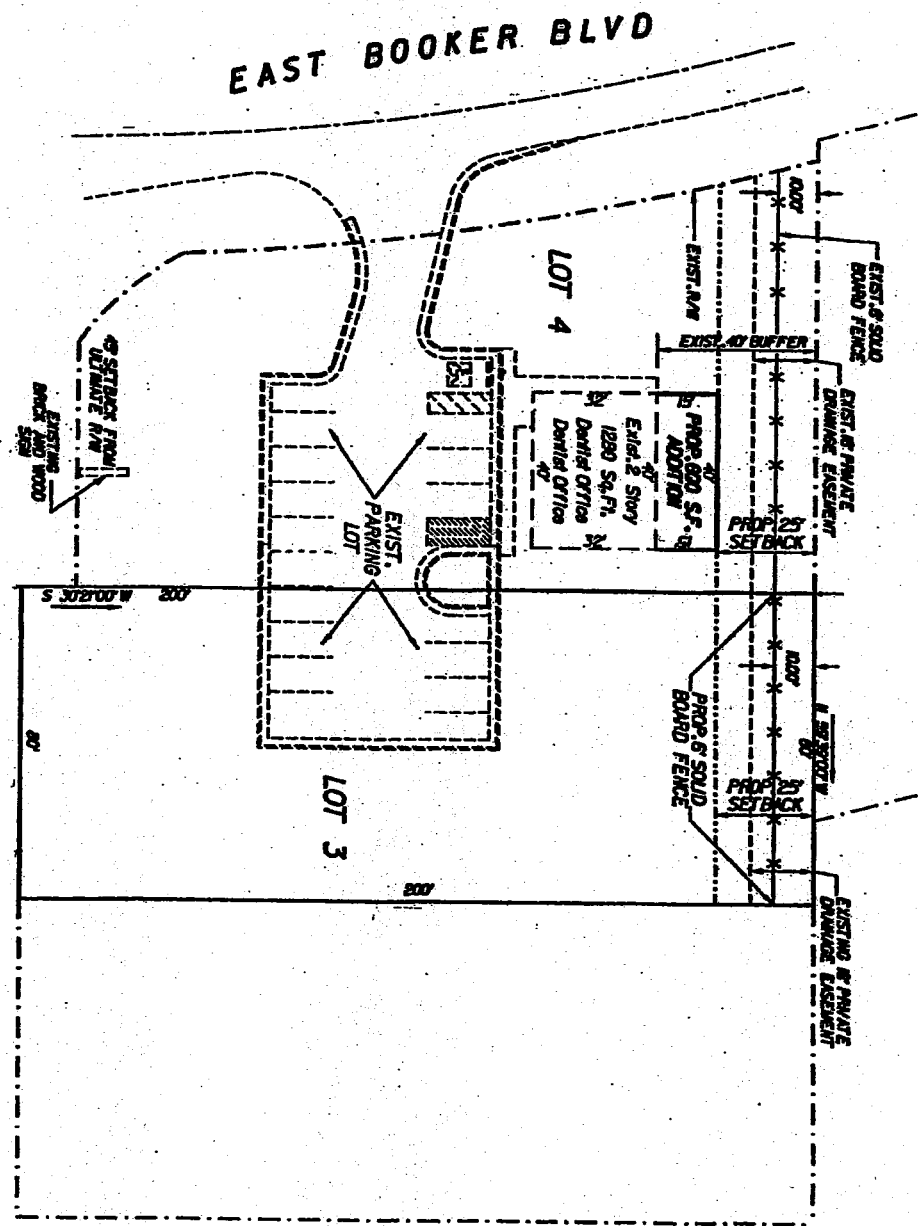


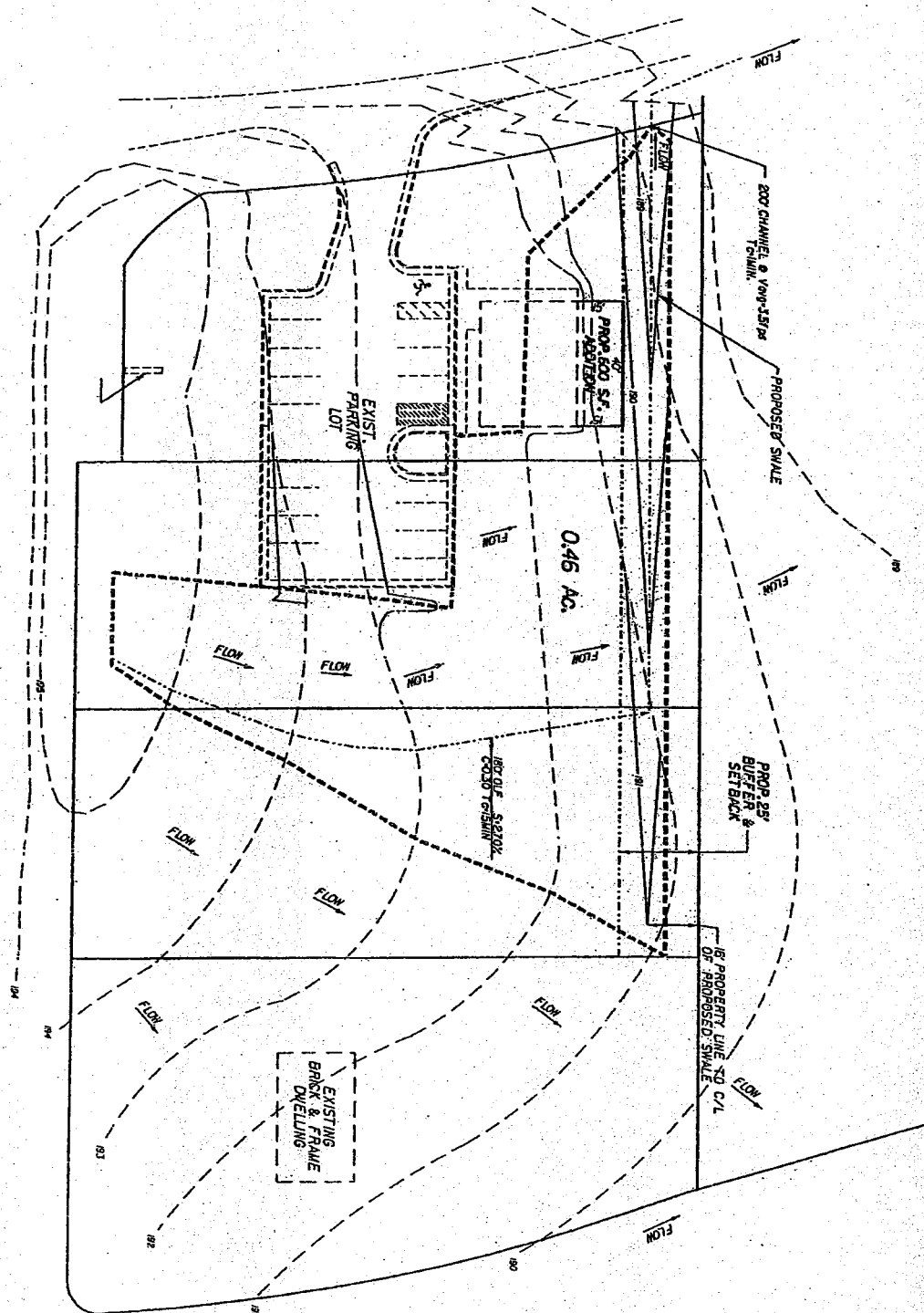
**04AN0236 (AMENDED)
VARIANCE
SH 26**

N

600 0 600 Feet

IRON BRIDGE ROAD - STATE ROUTE 10

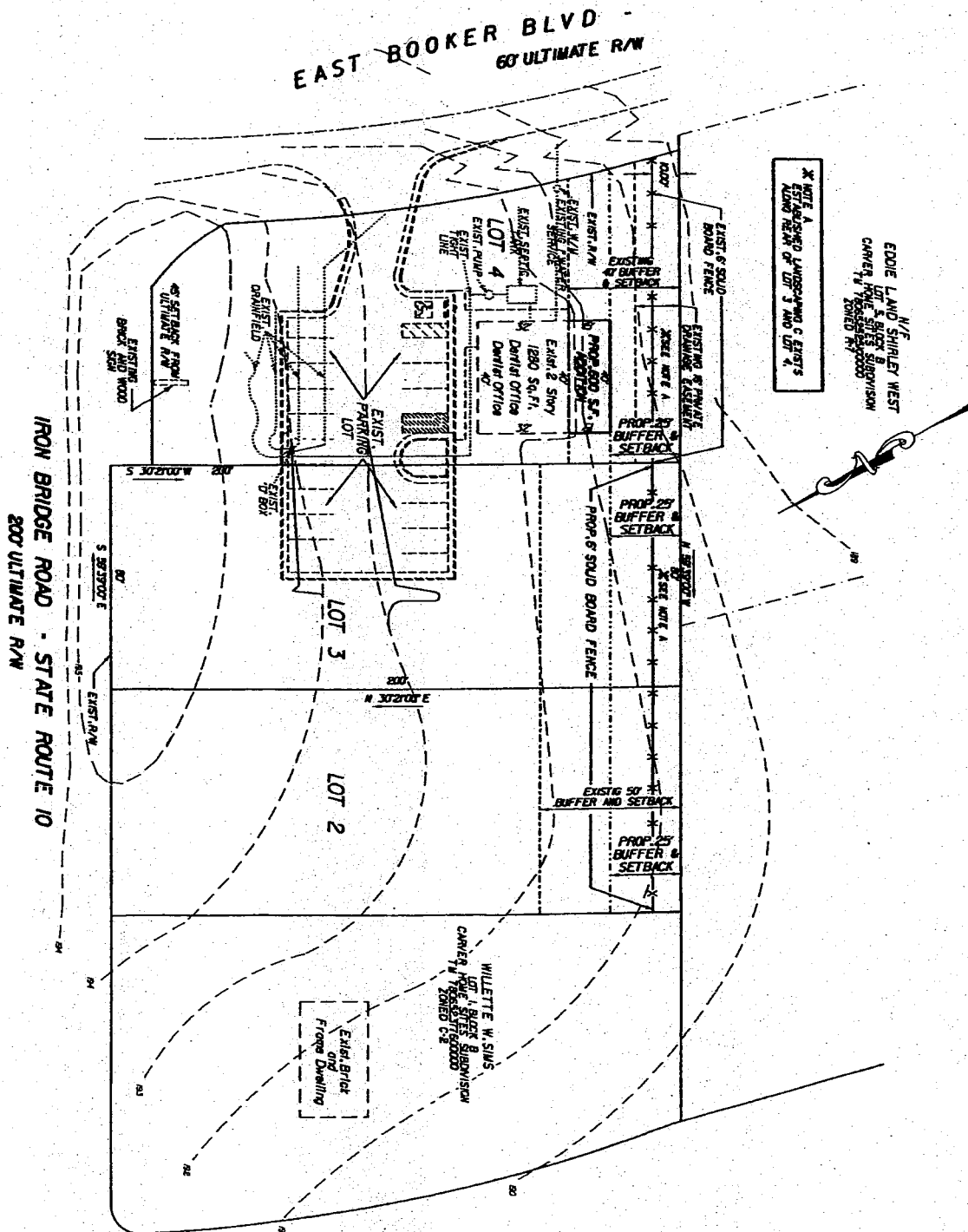




graphics submitted 7/8/04

DRAINAGE IMPROVEMENTS

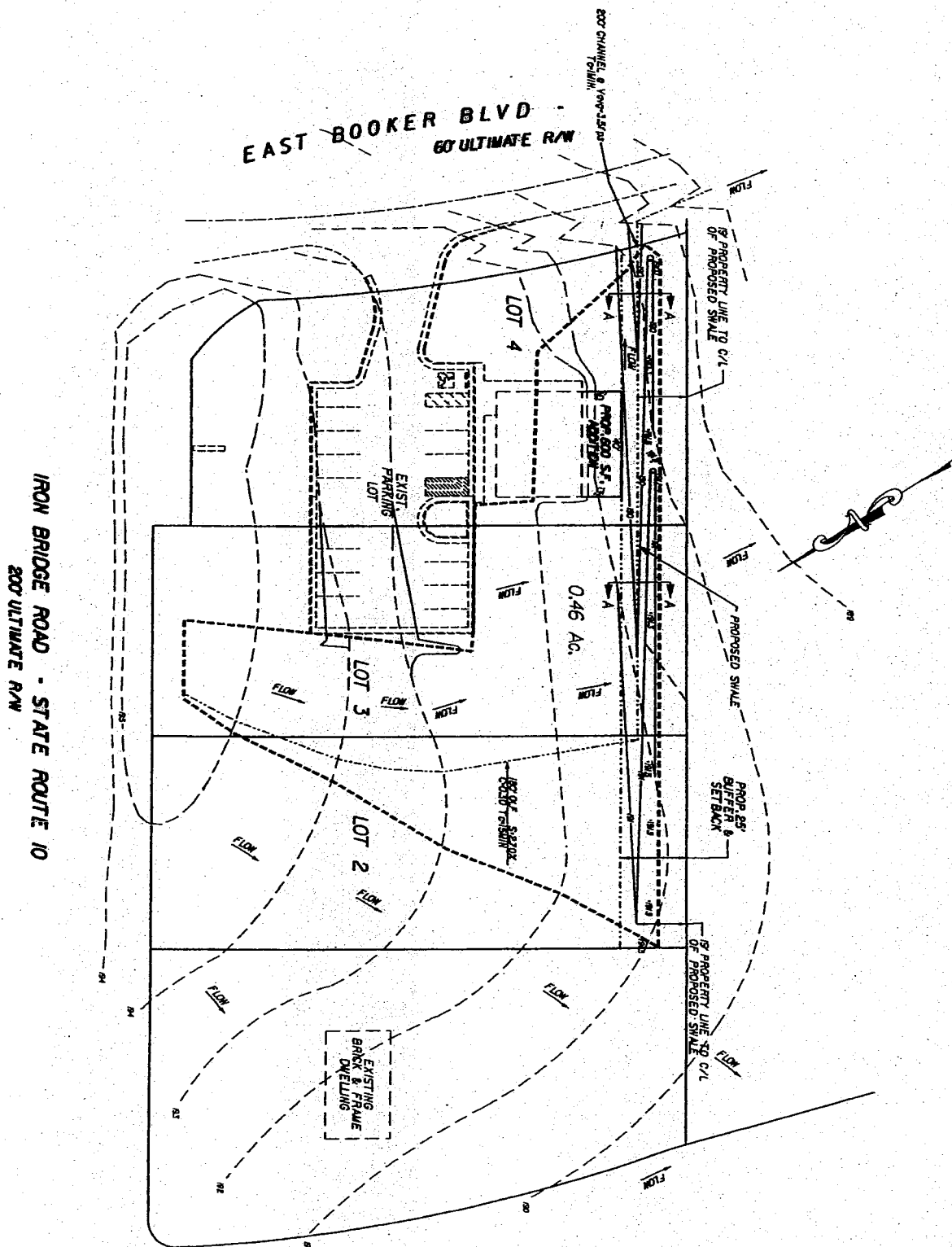
04ANO236-3



New graphics submitted 7/26/04

SITE AND GRADING PLAN

04ANO 236-4



New graphics submitted 7/26/04

DRAINAGE IMPROVEMENTS

04ANO236-5